

LEAVE OF ABSENCE AND FAMILY AND MEDICAL LEAVE ACT (FMLA)

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LEAVE OF ABSENCE AND FAMILY AND MEDICAL LEAVE ACT

Leave of Absence

The beginning date of the leave of absence should be the date any accrued leave is exhausted (sick leave, donated leave, annual leave or personal days).

A PEEHIP CERTIFICATION OF EMPLOYEE ON LEAVE OF ABSENCE WITHOUT PAY FORM should be submitted by the employer when an employee is granted an official leave of absence for more than 3 months and it is necessary for PEEHIP to bill the member directly for premiums. Upon return to work, **employees who paid for their insurance while on an authorized leave of absence cannot pick up new insurance coverage that they did not have while on leave.** (See *Exception*)

The CERTIFICATION OF EMPLOYEE ON LEAVE OF ABSENCE WITHOUT PAY FORM should be completed showing the employee's name, correct address and Social Security number.

Employees who do not pay for their insurance while on an official leave of absence or have a break in coverage can enroll as new employees the day they return to work, the first day of the month after they return to work, or October 1. The PEEHIP office must receive a new PEEHIP ENROLLMENT FORM before the member can be enrolled. The employee and his eligible dependents will be required to serve a 270-day waiting period on all pre-existing conditions with the hospital medical coverage if proof of previous coverage is not received and approved by PEEHIP.

Employees who continue insurance coverage while on leave must wait until the Open Enrollment period to make insurance changes for an October 1 effective date.

***Exception:* Employees enrolled in one or more optional coverages while on leave of absence, can add the remaining optional plans when he or she becomes eligible for a full allocation. However, employees enrolled in one or more optional plans while on leave cannot enroll in a Hospital Medical plan until Open Enrollment.**

The PEEHIP office is to be notified when the employee returns to work.

The system is responsible for collecting insurance premiums from the employee while he or she is still earning an insurance allocation.

The PEEHIP office will not be responsible for notifying school systems when their employees do not earn summer allocations.

Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act of 1993 requires employers to continue health benefits to employees taking FMLA Leave. **It is imperative that each employing system develop its own FMLA policies with the advice of its attorney and have those policies approved by its Board.**

Each employer remits the insurance allocation. Therefore, each employer is required to pay the insurance allocation for those employees who are **approved** for FMLA. **The PEEHIP office does not regulate FMLA. Systems should contact the U. S. Labor Department and/or their attorney regarding FMLA questions.**

When the system collects premiums from an employee while on FMLA and an allocation is earned under the *3-1 Rule*, the system should indicate on the CERTIFICATION OF EMPLOYEE ON LEAVE OF ABSENCE WITHOUT PAY FORM the last month that will be collected.

Example:

February for coverage to be effective through March 31.

Eligibility

Employees are eligible for leave under FMLA if they have worked 1,250 hours over the prior 12 months and if they have worked for a covered employer for at least one year. (Although bus drivers are classified as full-time, normally they do not work 1,250 hours.)

Conditions

Leave earned under FMLA is for a maximum of 12 weeks not 3 months.

Employees must provide 30-days notice for foreseeable leave. Leave under FMLA cannot be granted retroactively.

Leave granted under FMLA cannot and should not be applied to the summer months for 9-month employees or during any time that the employee is not required to be at work.

If an employee earns an extra summer allocation under the *3-1 Rule*, that month should be applied to the end of the 12 weeks that were granted under FMLA.

An employee cannot earn the insurance allocation under FMLA if he or she is retiring or not returning to work unless the reason for not returning to work is a serious health condition or circumstance beyond the control of the employee.

The school system is to collect premiums while the employee is on leave under FMLA and should collect premiums for any extra months earned under the *3-1 Rule*. The premiums are to be submitted with the PEEHIP Monthly Insurance Report indicating that the employee earned the insurance allocation(s).

Employees on FMLA **do** accrue extra insurance allocations while on leave under FMLA. Therefore, the *3-1 Rule* **does apply** while an employee is on FMLA. These employees will be given credit for extra insurance allocations just like an active employee.